

NOT INCLUDED
IN BOUND VOLUMES

PGB
Chicago, IL

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

C.R. ENGLAND, INC.
Employer

and

Case 13-RC-095967

TEAMSTERS, LOCAL 705
Petitioner

DECISION AND ORDER

The National Labor Relations Board has considered an objection to an election held February 19, 2013, and the Regional Director's report recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 43 for and 23 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and brief and has adopted the Regional Director's findings and recommendations.¹ The Employer's request to hold the proceeding in abeyance is also denied.

ORDER

IT IS ORDERED that Objection 1 be overruled.

Dated, Washington, D.C., July 5, 2013.

Mark Gaston Pearce, Chairman

¹ The Regional Director directed a hearing on the Employer's Objection 2. The hearing was held on March 25 and 26, 2013.

The Employer contends that the Board does not have a valid quorum under *Noel Canning v. NLRB*, 705 F.3d 490 (D.C. Cir. 2013), cert. granted, 81 U.S.L.W. 3629 (U.S. June 24, 2013)(No. 12-1281) and *NLRB v. New Vista Nursing & Rehabilitation*, 2013 WL 2099742, -- F. 3d -- (3d Cir. May 16, 2013). The Employer further contends that due to the Board's lack of a valid quorum, the Regional Director's appointment was invalid, and so all actions that the Regional Director has taken in this case are likewise invalid. For the reasons stated in *Bloomington's, Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.

Richard F. Griffin, Jr., Member

Sharon Block, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD